19 USC § 1592 Cases for AD/CVD violations through August 2015

CBP assessed 17 penalties, under 19 USC 1592, for AD/CVD violations, with a total value of $4,434,156, through the end of August 2015 for the following commodities:

Aluminum Extrusions
Bedroom Furniture
Cast Iron Flanges
Citric Acid and Sodium Citrate
Laminated Woven Sacks
Pencils
Petroleum Wax Candles
Polyester Staple Fiber
Polyethylene Bags
R-134A Refrigerant Gas
Seamless Carbon & Alloy Steel
Tires

Feds Slap Univar Unit With $84 Million Duty Evasion Suit

The U.S. government is seeking nearly $84 million in unpaid duties and penalties from a subsidiary of Univar Inc., which allegedly masked the origin of its Chinese saccharine imports to avoid anti-dumping duties, according to a suit filed in the U.S. Court of International Trade.

"Univar USA misrepresented to U.S. Customs and Border Protection that the country of origin was Taiwan and that the entries were ordinary consumption entries, as opposed to entries subject to antidumping duties," the suit said. "In fact, that the true country of origin for the merchandise was China and that the merchandise was subject to anti-dumping duties exceeding 329 percent."

The U.S. Department of Justice identified thirty-six (36) entries of saccharin from China that had been claimed to originate in Taiwan in order to evade the antidumping duties of 329 percent of the entered value.

CBP issued the company a penalty notice in October 2015 seeking $47.8 million in penalties along with $36 million in delinquent anti-dumping duties. The payments still have not been made.

AD/CVD in Tennessee

On September 9, 2015, staff from the AD/CVD Division joined with personnel from the Pharmaceutical and Chemicals CEE, Regulatory Audit, Laboratories & Scientific Services Directorate, and the National Commodity Specialist Division to visit Lonza, a domestic calcium hypochlorite producer located in Charleston, Tennessee, and petitioner in the AD/CVD order on this commodity.

The purpose of the trip was to increase CBP's understanding of the product and the domestic industry, and to discuss any challenges facing domestic producers due to unfairly traded imports from China.

Significant Regulatory Audit Findings

CBP's Regulatory Audit discovered a loss of revenue of $36 million during an audit of importers of tapered roller bearings from China. The company failed to declare and pay AD duties on imported taper roller bearings, resulting in $32.4 million in unpaid duties, along with finding significant classification errors resulting in an additional $3.6 million in penalties. CBP is seeking to collect the duties and penalty amount from the importer.

US Department of Justice Files Civil Suit Over Anti-Dumping Duties

DOJ filed an additional lawsuit with the CIT to recover millions of dollars in antidumping duties on imports of crawfish.

DOJ filed the complaint on July 31, 2015, contending, LBS Marketing Inc. and its principal, Leslie M. Toth, entered thirteen (13) shipments of crawfish tail meat, as "langostino" so as to evade a 223.01% antidumping duty rate. Between May 2004 and May 2005, the companies evaded an estimated $2.8 million in antidumping duties.

Justice is seeking the recovery of $3.3 million in civil penalties and $2.8 million in lost revenue.